

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:09CV96-01-MU

TAURICE MARQUESE CRISP,)	<u>O R D E R</u>
)	
Plaintiff,)	
)	
v.)	
)	
WALKER, <u>et al.</u> ,)	
)	
Defendants.)	
)	

THIS MATTER comes before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983, filed August 11, 2009.

Section 1915 of Title 28 of the United States Code allows certain litigants to pursue civil litigation without the prepayment of fees or costs. 28 U.S.C. § 1915(a)(2). However, pursuant to 28 U.S.C. § 1915(e), a prisoner shall not bring a civil action or appeal a judgment in a civil action without the prepayment of fees or costs if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim. The only exception to this filing prohibition is if the prisoner is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

Plaintiff has asked to be allowed to proceed in forma pauperis in this matter. (Doc. No. 1-2). On September 15, 2006, this Court entered an Order in case 5:06CV119-2-MU dismissing Plaintiff's Complaint as frivolous. In addition, the Court noted that Plaintiff was subject to the three

strike provision of 28 U.S.C. § 1915(g). Plaintiff's present Complaint does not allege that he is in imminent danger of serious physical harm and consequently his Complaint will be dismissed.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(g).

Signed: August 14, 2009



Graham C. Mullen
United States District Judge

